G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1906-07
(Kuzrai)

File No. 13

Serial Nos.

Papers Filed.

Month January.

SUBJECT.

Inam lands belonging to Abdulla Sha Makkan at Kiranur, Srivangapalam Tk.

PREVIOUS REFERENCES	LATER REFERENCES.
Kuz L 530 of 1905	Mes 335 dt 15

G.R.S. 11] 1906.

GENERAL AND REVENUE SECRETARIAT

(Gujrat)

NOTES.

File No. 13

FILL HEADING.

Grant law re. belonging to Hindus the Brahmans at Gujrat

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P. T. O

NOTES—First sheet.

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Note continued

Orders were accordingly issued in Govt Pro of the 30th March 1906 and the substance thereof was communicated to the parties concerned

Papers under disposal

Jaivarappa son of Malige Amiah has petitioned the Dewan Saheb and the Councillor praying that the foregoing orders of Govt may be reviewed. The Dewan's order thereon is "to Muzrai Secretary to submit records."

Submitted
9/11/06

The grounds put forth in this review petition are :—

(i) that the lands under dispute being Kundayam lands the Muzrai Department has no jurisdiction to interfere

(ii) that the amount

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against the orders passed by × Government in 1895 and 1896

× Quoted in para 5 of the petn.

(iii) that the question of dealing with the attachment & orders passed by Revenue authorities is within the competence of the Court which passed such orders and not of the Muzrai Department.

& (iv) that after the passing of the order by the Dy. Comr. in April 1894 the land in question was sold in November 1894 of the same year and that the transaction cannot therefore be prejudicial to the petitioner's Hak.

9/11/06

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Muzrai Secretary's Remarks.

Prior to the Inam Settlement in 1879, Pachamiah, grandfather of the present Makkandar at Kiranur, mortgaged certain lands with possession in 1875 to Anniah for a loan of Rs 1,500. On a cpmplaint from the villagers, the Sub Division Officer Mr. Namakal Rao decided that the lands which were registered during the Inam Settlement in 1879 as devadaya could not be mortgaged, but should revert to the Makkan. On appeal to Govt, Anniah pleaded that the lands in question were only personal inam in accordance with the previous Sanads and that he advanced the loan in good faith that the lands were personal inam, the Govt, in pursuance of the Decision of the Council Committee consisting of Messrs Rajadharmapravina T.R.A. Thumboo Chettiar and Rao Bahadur P. Chentsal Rao directed in Proceedings No. 10126/P.F.129, dated 15th December 1892, that the lands in question be resumed and the full assessment imposed on

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them and also directed that a cash grant equal to the assessment paid to the Makkan for services therein. Option was also given by that Order to the Makkandar to redeem the mortgage by payment of the loan within 6 months. The Makkandar accordingly paid back the loan on the 15th June 1893 and got into the possession of the lands. But Anniah had in the meantime been deprived of his possession of the lands from the year 1892 under the orders of the Sub Division Officer Mr. Namakal Rao. He therefore filed a revenue suit against the Makkandar claiming mesne profits of the land for the 3½ years that he was kept out of its possession. In April 1894, Mr. A.Rangasami Iyengar, the then Deputy Commissioner thereupon observed that Anniah was entitled only to 3 years' mesne profits and directed that the Makkandar should reimburse him of only one year's mesne profits namely Rs250 so far as he was concerned, and that the land should be made security for payment of

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that amount. He further directed that the balance should be made up by the ryots who had enjoyed the lands during the remaining 2 years. Anniah however appealed to Govt praying for payment of 3½ years mesne profits, but his appeals were rejected by Govt in the General & Revenue Deptts in 1895 & 1896. In accordance with the above order of the Deputy Commissioner, the Deputy Amildar of French Rocks attached a portion of the lands and brought it for sale for the recovery of the mesne profits due to Anniah. But the Makkandar's widow had sold the lands including those treated as security to Linganna in November 1894, and his widow Thirmamma appealed to Govt through Collector Mr. [illegible] to restrain the appellant Javarappa (son of Anniah) from proceeding against her husband's lands in satisfaction of his claim for mesne profits. Thereupon Govt Order No. 4355 dated 30th March 1906 was passed in the Muzrai Department, which was to the effect that the --

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property purchased by Linganna was her own property and that Javarappa should proceed against the private property of the Makkandar for the recovery of the mesne profits due to him. It is against this Order that Javarappa has preferred his present appeal, through Pleader [illegible] his chief grounds being that the sale having taken place only subsequent to the order of the Deputy Commissioner, the said transaction cannot operate against him and as that order of the Deputy Commissioner was passed by him in the Revenue Department, that Department alone is competent to pass orders in the case.

Upon a reconsideration of the facts of the case, which are fully detailed in the Govt Order of the 30th March 1906 appealed against, I beg to submit that when the lands passed into Linganna's and subsequently into Thimmamma's hands, they were acquired by them subject to all the equities previously subsisting on those lands, and that the amount due for mesne profits was ~~a charge upon the~~

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lands as per orders of the Deputy Commissioner who directed that the lands should be treated as security therefor. I am therefore now doubtful whether it was correct on the part of Govt in the Muzrai Deptt to have declared in their Order of the 30th March 1906 appealed against, that the lands in question were not liable to attachment and sale on account of Javarappa's claim and that therefore the attachment so far as it related to Thimmamma's -- lands, should be withdrawn. At any rate, it did not fall within the province of the Muzrai Deptt to make a ruling in the matter, as it is one to be decided on by the Revenue or Civil Courts. The Order however was approved by the late 2nd Councillor Rao Bahadur C.Madiah and the late Dewan Sir. P.N.Krishna Murti.

The point involved in this case is a somewhat intricate one, and before any final orders are passed modifying the direction contained in the Proceedings of March 1906, it seems necessary that

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all the parties concerned in the case should be heard. Notices may therefore be issued to all the parties, viz., (1) the petitioner Javarappa, (2) the purchaser of the land, Thimmamma & (3) the Makkandar, fixing a date for hearing before the 2nd Councillor.

The Deputy Commissioner has been asked to report if an amount equal to the assessment ~~the/Yards~~ , (which from the Inam Superintendent's Struck Off Register is understood to be fixed at Rs84,) is being actually paid for services in the Makkan. His reply has not been received. A reminder has been sent.

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Submitted to the II Councillor.

19th May 1908.

Case may be posted for hearing at an early date

Post to 11th July/08 & have expired the (1st) 2/5/08 21/5/08 22/5/08

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29/8/08

Mr Krishnappa - } present
Mr Subba row - }

Makandar Saifulla, muvadi,
& Mohadinkhan present.

Makandar repeatin a Statement -

Heard Mr Krishnappa & Mr Subba row.

Orders reserved.

29/8/08

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The case was heard on the 11th July and 8th and 29th August 1908. Javarappa was represented by ~~Advocate~~ Pleader Mr. N Subba Rao Munnamma and her sons were represented by Advocate Mr. H. Krishnappa. Shaifulla, represented by his mother and guardian Murad Bi, presented a written statement.

The facts of the case are fully detailed in the previous pages of this note. Mr. Subba Rao again brought forward the arguments advanced in Javarappa's appeal petition to Govt. Mr. Krishnappa however contended that the lands purchased by his client were the private property of the Makkandar as decided by Govt, and as such they are not liable ~~to~~ to attachment and sale in satisfaction of the amount of debt due ~~by~~ as mesne profits to Javarappa by the Makkandar. In the statement put in

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by Muradbi, she represents that when the lands were sold to dungamma, they were conveyed on the express condition that her mortgage and the mesne profits loan due to Javarappa and the rest of her loans should be paid by the purchaser out of the sale proceeds and the balance given to her, but that those conditions were not acted upon. She further says that she has been maintaining the services in the Makkan since 1890 at a cost of Rs 10/ per annum, and prays that the balance remaining over after paying the assessment of Rs 3/- fixed on the portion of the lands in her actual possession, may be ordered to be paid to her. ~~[illegible]~~ the original sale deed on which she bases her contention is not however before Govt.

After a careful consideration of the facts of the case, it is observed that in the absence of the original sale deed, it is not possible to ascertain how far Thimmamma,

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(wife of the purchaser Duŋgauna) is liable to make good to Javarappa the mesne profits due to him by the makkandar. Moreover, the Govt are not called upon to pass orders on that subject which is exclusively within the cognisance of other Courts. The orders already passed by Govt will have therefore to be modified in accordance with the views above expressed.

It is moreover observed that although so long ago as 1892, the makkan lands were ordered to be treated as Sirkar lands and full assessment was directed to be imposed thereon, it was not till 19 December 1905, that the lands were stated by the Inam Superintendent to have been struck off from the Inam Register, and the full assessment of Rs 84/- was imposed on them entire extent. Only Sur: nos 599, 637, 638 and 621, of the Seringapatam Taluk are stated to be in the possession of the

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Abdulla Pir[illegible]		
at [illegible]		

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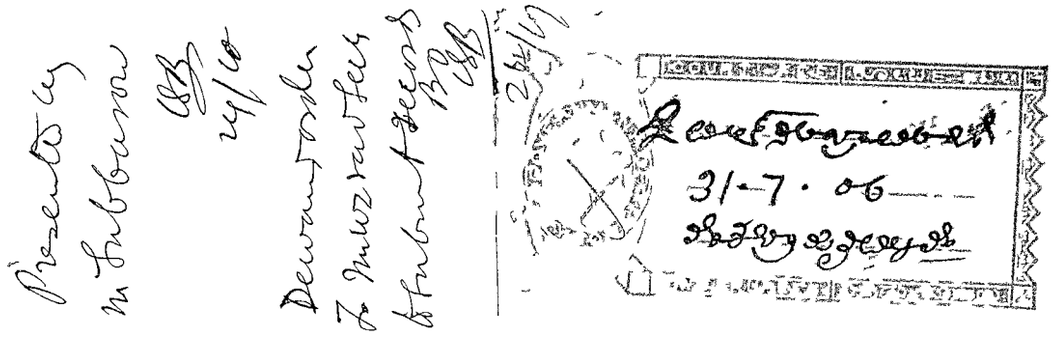


ಶ್ರೀಮತ್ ಮೈಸೂರು ದೇಶದ ದಿವಾನ್‌ರು ಮತ್ತು ಕೌನ್ಸಿಲರವರ ಜನಾಬಿನಲ್ಲಿ 2241

ಅರ್ಜಿದಾರ —ಶ್ರೀರಂಗಪಟ್ಟಣದ ಕಸಬಾದಲ್ಲಿ ಇರುವ ಮಳಿಗೆ ಅಣ್ಣೈಯ್ಯನವರಮಗ ಜವರಪ್ಪ.

ಪ್ರತಿ ಅರ್ಜಿದಾರ:—ಮೈಸೂರು ಶಿವರಾಂಪೇಟೆ ಬೆಳ್ಳಿಕಟ್ಟಗೆನಿಸಲನಲ್ಲಿರುವ ಲಿಂಗೈಯ್ಯನ ಹೆಂಡತಿ ತಿಂಮಮ್ಮ.

ಅರ್ಜಿದಾರ ಹೇಳಿಕೊಳ್ಳುವದೇನೆಂದರೆ —

೧ ಹಾಲಿ ಹಿಂದೊಪೆ ಸಬಹಾಲ್ಯಾಗ ಸೇರಿಯಿರುವ ಕೆರಂಗೂರು ಗ್ರಾಮದ ಮಾಜಿ ೪೧ ೪೬ ನೇ ನಂಬರ ಸರ್ವಮಾನ್ಯವಾಗಿದ್ದ ತರಿ ಖುಷ್ಕಿ ಜಮೀರ್ಗಳು ಈಚಿಗ ಆದ ಸರ್ವೆಯಲ್ಲಿ ೫೯೪ ೬೫೭ ೬೫೪ ೬೫೪ ಇನ್ನು ಈ ವ್ಯಾಜ್ಯಕ್ಕೆ ಸೇರದೆಯಿರುವ ೧ ೨ ನಂಬರಗಳನ್ನು ಅಡಗಿಶಿಕೊಂಡು ಇದೆ ಮೇಲೆಹೇಳಿದ ಮಾಜಿ ೪೧ ೪೬ ನೇ ಜಮೀರ್ಗಳು ಅರ್ಜಿದಾರನ ತಂದೆ ಮೃತಪಟ್ಟ ಲಣ್ಣೈಯ್ಯನಿಗೆ ಮಾಲಿಕನಿಂದಾ ಮಾನು ಲ್ಲಾಫಾ ವುರಫ್ ಖಾಫಾಮಿಯ್ಯನಿಂದ ೭೫ ನೇ ಇಸವಿ ಡಿಶಂಬರು ೫ ನೆ ಮರಕುಂನಲ್ಲಿ (೧೫೦೦) ರೂ ಸಾಯಿಗಳಿಗೆ ಭೋಗ್ಯವಾಗಿ ಸ್ವತ್ತು ಸುಫರ್ದಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡು ಅನುಭವಿಸುತ್ತಿದ್ದನು.

Printed 1/11

೨ ೭೯ ನೆ ಇಸವಿಯಲ್ಲಿ ನಡದ ಯಿನಾಮು ಸೆಟಲಮೆಂಟಿನಲ್ಲಿ ಸೆಟಲಮೆಂಟ್ ಆಫೀಸರು ಈ ಮಾನ್ಯದ ಜಮೀರ್ಗಳು ಮಾನ್ಯದಾರನಿಗೆಯಂತಾ ಸನ್ನದ್ದಿನಲ್ಲಿ ನಮೂದು ಇದ್ದಾರ್ಯೂ ಇವನಿಗೆ ಕೊಟ್ಟದಲ್ಲಾ ಇವನ ವಶದಲ್ಲಿ ಯಿರುವ ಮರ್ಕಾಗಾಗಿ ಕೊಟ್ಟಿದೆಂತಾ ಈಚಿನ ಲೆಖ್ಖದ ದಾಖಲೆಯಿಂದ ಗೊತ್ತಾಗುವದರಿಂದ ಮರ್ಕಾ ಇನಾಮತಿಯಂತ ಭೂವಿನಿ ಭೋಗ್ಯದಾರನಿಂದ ಜಮೀರ್ಗ ಬಿಡಿಸಬೇಕೆಂದು ಆರ್ಡರ್ ಮಾಡಿದಪ್ರಕಾರ ರೆವಿನ್ಯು ಇಲಾಖೆಯವರು ೮೯ ನೆಯ ಇಸವಿ ಸುಮಾರಿನಲ್ಲಿ ಅರ್ಜಿದಾರನ ತಂದೆಯಿಂದ ಜಮೀರ್ಗಳನ್ನು ಬಿಡಿಸಿ ಕೊಂಡರೂ ಆ ಯೊಚಿಗೆ ೯೧೯೯ ನೆ ಇಸವಿವರಿಗೆ ಸರಕಾರದ ಮ್ಯಾನೆಜಮೆಂಟಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿದ್ದು ೯೩ ರಲ್ಲಿ ಮರ್ಕಾದಾರನ ಸುಫರ್ದು ಪಡಿಸಿದರು.

೩ ಈ ವಿಷಯವಾಗಿ ಅರ್ಜಿದಾರನ ತಂದೆ ಗೌರ್ನಮೆಂಟಿಗೆ ಮಾಡಿಕೊಂಡ ಅಪೀಲ್ ೯೧ ನೆ ಇಸವಿ ಅಪೀಲ್ ೪ ನೆ ನಂಬರಿನಲ್ಲಿ ಸರಕಾರದವರು ಅರ್ಜಿದಾರನ ತಂದೆಭೋಗ್ಯ ವುರ್ಜಿತಪಡ್ಸಿ ೬ ತಿಂಗಳ ವಾಯಿದೆಯಲ್ಲಿ ಮರ್ಕಾದಾರನು ಭೊಗ್ಯದ ಮೊಬಲಗು (೧೫೦೦) ರೂಪಾಯಿ ಕೊಟ್ಟು ಜಮೀರ್ಗ ಬಿಡ್ಸಿಕೊಳ್ಳಿಬೇಕು ಹಾಗೆಮಾಡದೆತಪ್ಪಿದರೆ ಮಾನ್ಯದಜಮೀರ್ಗಳಿಗೆ ಅಕಾರದಾಖಲಮಾಡಿ ಕೆಂದಾಯದ ಮೊಬಲಗು ಮರ್ಕಾ ಉಪಯೋಗಕ್ಕಾಗಿ ಕೊಡತಕ್ಕದೆಂದು ೯೧ ನೆ ಇಸವಿ ಎಪ್ರೆಲ್ ೩ ನೆ ತಾರೀಖಿನಲ್ಲಿ ಆರ್ಡರು ಮಾಡಿದರು ಮತ್ತು ಅದರಂತೆ ಮರ್ಕಾದಾರ್ ಮೊಬಲಗು ಹಾಜರ್ಮಾಡಿ ಅರ್ಜಿದಾರನ ತಂದೆಗೆ ಪಾವತಿ ಯಾಗಿರುತ್ತೆ.

೪ ಅರ್ಜಿದಾರನ ತಂದೆಯು ತನ್ನಲ್ಲಿದ್ದ ಭೊಗ್ಯದ ಜಮೀರ್ ಸರ್ಕಾರದವರು ಬಿಡ್ಸಿಕೊಂಡಲಾ ಗಾಯಿತ್ತು ಭೋಗ್ಯದ ಮೊಲಗು ಸರ್ಕಾರಕ್ಕೆ ಬರುವವರಿವಿಗೆ ಆದ ಮೂರುವರೆ ವರುಷದ ಫಸಲು ತನಿಗೆ ಬರ ಬೇಕೆಂದು ಚರ್ಚಿಶಿದ್ದರ ಮೇಲೆ ಡೆ|| ಕವಿಂಷನರವರ ಪೈಸಲಿಗೆ ಬಂದು ಚರ್ಚಾಸ್ಪದವಾದ ವರುಷಗಳ ಫಸಲೆಷ್ಟು ಯಾರಲ್ಲಿಯಿರುತೆಂಬ ಅಂಶ ಅಮಲ್ದಾರವರ ರಿಪೊರ್ಟುಮುಲ್ಕ ತಿಳಿದದ್ದರಲ್ಲಿ ಮೊದಲನೆ ವರು ಷದ ಫಸಲು ವಿಕ್ರಯಿಸಿ ಬಂದಮೊಬಲಗು ತಾಲ್ಕು ಟ್ರೆಜರಿಯಲ್ಲು ೨ ನೆ ವರುಷದ ಫಸಲು ಗ್ರಾಮದ ರೈತ ರಲ್ಲಿ ಅಮಾನತ್ತು ಇರುವದಾಗಿಯೂ ೩ ನೆ ವರ್ಷದ ಫಸಲು ಮರ್ಕಾದಾರ ತೆಗದುಕೊಂಡುಯಿರುತ್ತಾನೆಂದು ಗೊತ್ತಾಗಿ ಡೆ|| ಕವಿಂಷರ್ಷರುತೀರ್ಮಾನಿಶಿದ್ದು ತಾಲ್ಕು ಟ್ರೆಜರಿಯಲ್ಲಿ ಇರುವ ಮೊಬಲಗು ಅರ್ಜಿದಾರನ ತಂದೆಗೆ ಕೊಡಿಸತಕ್ಕದೆಂತಲು ೨ ನೆ ವರುಷದ ಫಸಲು ರೈತರಲ್ಲಿ ಸರ್ಕಾದದವರು ಇಟ್ಟಿರುವದು. ಅರ್ಜಿದಾರನ ತಂದೆಗೆ ಕೊಡತಕ್ಕದೆಂತಲು ೩ ನೆ ವರ್ಷದ ಫಸಲು ಮರ್ಕಾದಾರನು ತೆಗದುಕೊಂಡಿರುವದರಿಂದ ಆದರಕ್ಕೆಯೆ ೩೫೦ ರೂಪಾಯಿಗಳು ಮತ್ತು ಈ ಮೊಬಲಗು ಮರ್ಕಾದಾರನು ಪಾವತಿ ಮಾಡುವವರಿವಿಗೆ ಸೆಕಡ ಯೆಂಟಾಣೆ ಯಂತೆ ಚಾಲತಿಬಡ್ಡಿ ಸಹ ಕೊಡತಕ್ಕದೆಂತಲು ಈಮೊಬಲಿಗ್ಯೆ ಮರ್ಕಾಜಮೀರ್ ಇಡಾಗಿರಬೇಕೆಂತಲೂ ೯೪ ನೆ ಇಸವಿ ಎಪ್ರೆಲ್ ೨೬ ನೆ ತಾರೀಖಿನಲ್ಲಿ ಆರ್ಡರ್ಮಾಡಿದರು.

೫ ಇದರ ಮೆಲೆ ಇನ್ನು ಹೆಚ್ಚುಮೊಬಲಗು ಬರಬೇಕೆಂದು ಅರ್ಜಿದಾರನ ತಂದೆಯು ಈ ಮೊಬಲಗು ಜಾಸ್ತಿಯಂದು ಮರ್ಕಾದಾರನು ಗವರ್ನ್‌ಮೆಂಟಿಗೆ ಮತ್ತು ಮಹಾರಾಣಿರಿಜಂಟರವರಿಗೆ ಸಹ ಅಪಿಲ್ ಮಾಡಿಕೊಂಡದಕ್ಕೆ ಡೆ|| ಕಮಿರ್ಷರವರ ಫೈಸಲ್ ಖಾಯಂಮಾಡಿರುತ್ತೆಂದು ಕೊಟ್ಟರುವ ಈ ಕೆಳಗೆ ನಮುದಿಸಿ ಇರುವ ಇಂಡಾರ್ಸಗಳು ಅರ್ಜಿದಾರನಲ್ಲಿ ಇರುತ್ತೆ.

೧ ನಂಬರು ೧೩೫೯ ತಾರೀಖು ೩ ನೆ ಅಗಷ್ಟು ೯೫ ನೆ ಇಸವಿ.
೨ ನಂಬರು ೨೩೪೪ ತಾರೀಖು ೧೭ ನೆ ಪೆಬ್ರವರಿ ೯೬ ನೆ ಇಸವಿ.
೩ ನಂಬರು ೩೫೦೦ ತಾರೀಖು ೨೮ ನೆ ಮೆ ೯೬ ನೆ ಇಸವಿ.
೪ ನಂಬರು ೩೫೦೦ ತಾರೀಖು ೭ ನೆ ನವಂಬರು ೯೬ ನೆ ಇಸವಿ.

೬ ಡೆ|| ಕಮಿರ್ಷರವರು ತಿರ್ಮಾನಿಸಿದ ಫಸಲುಮೊಬಲಗು ವಸೂಲು ಮಾಡಿಸಿ ಕೊಡಬೇಕೆಂದು ಅರ್ಜಿದಾರನ ತಂದೆ ಆತ ಮೃತಪಟ್ಟನಂತರ ಅರ್ಜಿದಾರಸಹ ತಾಲ್ಲುಗೂ ಸಬಡಿವಿರ್ಜಗೂ ಡೆ|| ಕಮಿರ್ಷರವರಿಗೂ ಸಹ ಅರ್ಜಿಗಳು ಕೊಡುತ್ತಾ ಯಿದ್ದದ್ದೆಹೊರ್ತು ತಹಲ್‌ವರಿಗೂ ಸ್ವಲ್ಪವು ವಸೂಲಾಗಲಿಲ್ಲ. ಮರ್ಕಾದಾರ ಕೊಡತಕ್ಕದೆಂದು ಡೆ|| ಕಮಿರ್ಷರವರು ತಿರ್ಮಾನಿಸಿದ ೩ ನೆ ವರುಷದ ಫಸಲ್ ಕ್ರಯದ ಮೊಬಲಗು ೩೫೦ ಅದರ ಬಡ್ಡಿಸಹ ಜಮಿಜಪ್ತಿ ಹರಾಜುಮಾಡಿಸಿ ಉತ್ಪತ್ತಿಯಾದ ಮೊಬಲಗೂ ಕೊಡಿಸಬೇಕೆಂದು ಕೇಳಿದ್ದರಮೇಲೆ ಜಮಿ ಜಪ್ತಿಯಾಗಿ ೧೯೦೫ ನೆ ಇಸವಿ ಆಗಷ್ಟು ೭ ನೆ ತಾರಿಖಿಗೆ ಹರಾಜ್ ಆಗತಕ್ಕದೆಂದು ಗೊತ್ತಾಗಿತ್ತು ಮುಜರಾಯಿ ಸೂಪ್ರಡೆಂಟರು ಹರಾಜ್ ನಿಲ್ಲಿಸಬೇಕೆಂದು ಅರ್ಜರು ಕೊಟ್ಟು ಕಟ್ಟುತರಿಸಿಕೊಂಡು ಇಧಾರೆಂದು ಆ ದಿನ ಡೆ| ಆಮಲದಾರ್ರು ಅರ್ಜಿದಾರನಿಗೆ ತಿಳ್ಸಿದರೂ.

೭ ಈ ವಿಷಯವಾಗಿ ಅರ್ಜಿದಾರನು ಮುಜರಾಯಿ ಸೂಪ್ರೆಡೆಂಟರವರಿಗೆ ೨೩ ಅರ್ಜಿ ಬರದು ಕೊಂಡನು ಅದಕ್ಕಾಗಿ ಯಾವಜವಾಬು ಕೊಡಲಿಲ್ಲ. ಕೊನೆದಫಾ ಬರದುಕೊಂಡ ಅರ್ಜಿಗೆ ಜವಾಬಾಗಿ ೨೭ ೫ ೯೦೬ ನೆ ಮರಕುಂನ ೫೪೦ ನೆ ನಂಬರ ಇಂಡಾರ್ಸನಲ್ಲಿ ಅರ್ಜಿದಾರನಿಗೆ ಬರತಕ್ಕ ಮೊಬಲಗ್ಯೆ ಮರ್ಕಾದಾರನ ಜಿಂದಗಿಮೇಲೆ ಹೊಗಬೇಕೆಂತಲು ಜಪ್ತಿಸ್ವತ್ತುಗಳು ತಿಂಮಂದು ಬರೀದಿಗೆ ಪಡದು ಇರುವ ದರಿಂದಾ ಅದರಮೇಲೆ ಹೋಗಕೂಡದೆಂತಲೂ ನಮೂದಾಗಿರುವ ಮೆಲ್ಕಂಡ ಆರ್ಡರ್‌ಕೊಟ್ಟರು ಅದು ಈ ಕೆಳಗೆ ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳುವ ಕಾರಣಗಳಮೇಲೆ ನ್ಯಾಯವಾದ್ದಲ್ಲವೆಂಬುವದು ಖಾವಂದರವರ ಚಿತ್ತಕ್ಕೆ ಸೂರಿಕ್ತವಾಗಬಹುದು.

೧ ಯಾವ ಜಮಿರ್ ಅರ್ಜಿದಾರನ ಫಸಲ್ ಮೊಬಲಗ್ಯೆ ಡೆ|| ಕಮಿರ್ಷರವರ ಫೈಸಲಪ್ರಕಾರ ಗುರಿಯಾಗಿಧೆಯೊ ಅದಕ್ಕೆ ಈಚಿಗೆ ಕಂಪಾಯದಾಯಲಾಗಿ ಇರುವದರಿಂದಾ ಮುಜರಾಯಿ ಇಲಾಖೆಯವರು ಪ್ರವೇಶಿಸಲು ಕಾರಣವಿಲ್ಲ.

೨ ಮತ್ತು ಈಗಿನ ಆರ್ಡರ ಗವರನಮೆಂಟಿನವರ ಆರ್ಡರ್‌ಆದ ಈ ಅರ್ಜಿ ೫ ನೆ ನ್ಯಾರಾದಲ್ಲಿ ಉದಹರಿಸುವ ಆರ್ಡರ್‌ಗಳಿಗೆ ವಿರೋಧವಾಗಿರುತ್ತೆ.

೩ ರೆವಿನ್ಯೂಇಲಾಖೆ ಮೂಲ್ಕ ಜಪ್ತಿಯಾದ ಸ್ವತ್ತಿನ ಖುಲಾಸೆ ಆರ್ಡರು ಮುಂತಾದ್ದು ಮಾಡತಕ್ಕದ್ದು ಸಿವಿಲ್ ಮತ್ತು ರೆವಿನ್ಯೂ ಕೋಡ ಅನುಸರಿಸಿ ಯಾವಕೊರ್ಟನಲ್ಲಿ ಜಪ್ತಿ ಆಯಿತೊ ಅಲ್ಲಿ ಕಕ್ಷೀಗಾರರ ಸಮಕ್ಷಮಕ್ರಮವಾದ ತನಿಖೆಯಿಂದಾ ತಿರ್ಮಾನವಾಗತಕ್ಕದ್ದಾಗಿರುವಲ್ಲಿ ಅಂಧಾ ರೂಲ್ಸಿಗೆ ವಿರೋಧವಾಗಿ ಮುಜರಾಯಿ ಇಲಾಖೆಯಲ್ಲಿ ಯೆಕ್ಸಪಾರ್ಟಿಯಾಗಿ ಆರ್ಡರ್‌ಮಾಡಿರುವದು ನ್ಯಾಯಕ್ಕೆ ವಿರೋಧವಾಗಿಯಿರುತ್ತೆ.

೪ ಡೆ|| ಕಮಿರ್ಷರವರು ೯೪ ನೆ ಇಸವಿ ಎಪ್ರೆಲ್ ೨೬ ನೇ ತಾರೀಖಿನಲ್ಲಿ ಫಸಲ್ ಮೊಬಲಗ್ಯೆ ಈಗಿನ ಜಪ್ತಿ ಸ್ವತ್ತು ಗುರಿಯಾಗಿ ಇರತಕ್ಕದೆಂದು ತೀರ್ಮಾನಮಾಡಿ ಅನಂತರ ೯೪ ನೆ ಇಸವಿ ನವಂಬರ್ ೧೬ ನೆ ತಾರೀಖಿನಲ್ಲಿ ಯೆದರು ಅರ್ಜಿದಾರ ಈ ವಿಷಯ ಸಂಪೂರ್ಣತಿಳಿದು ಕ್ರಯಮಾಡಿಕೊಂಡು ಇರುವದರಿಂದಾ ಹೂರ್ವಾಡಿದಾರನಾದ ಅರ್ಜಿದಾರನ ಹಕ್ಕಿಗೆ ಯಾವಬಾಧಕವೂ ಯಿರಲಾರದು.

ಈ ಯೆಲ್ಲಾ ಕಾರಣಗಳನ್ನು ಖಾವಂದರು ಯೊಚಿಸಿ ಮದಲ ಅರ್ಜಿದಾರನ ಗೈರಹಾಜರಿಯಲ್ಲಿ ಆಗಿರುವ ಯಕ್ಸಪಾರ್ಟ ಫೈಸಲ್ ರದ್ದುಪಡಿಸಿ ಕ್ರಮವಾದ ತನಿಖೆಯಿಂದ ಸುಕ್ತೆ ತೊರುವ ಫೈಸಲ್ ಕೊಡುವಂತೆಯಾಗಲಿ ಅದವಾ ಯುಕ್ತ ತೋರಿದರೆ ಕೆಳಕೊರ್ಟಿಗೆ ರಿವ್ಯಾಂಡ್ ಮಾಡುವಂತೆ ಯಾಗಲಿ ಫೈಸಲ್ ಕೊಡಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥನೆ.

ಸಂ. 5040.

ಮೈಸೂರು ಜಿಲ್ಲೆಯನ್ನೊಳಗೊಂಡಂತೆ
ಚಾರಣಬೆಟ್ಟಂ ಮೊದಲಾದ ಪ್ರದೇಶಗಳಲ್ಲಿ
ವಾಸಿಸುತ್ತಿರುವ.

ಶ್ರೀರಂಗಪಟ್ಟಣದ ಮಾನ್ಯ ಅಪರ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರು
ಇವರ ಸಮಕ್ಷಮದಲ್ಲಿ.

ನಿಮ್ಮಲ್ಲಿಗೆ ಬಂದಿರುವ ಅರ್ಜಿಯಲ್ಲಿ
ತಿಳಿಸಿರುವಂತೆ ಮಾಡಿಕೊಂಡಿರುವ/ಮಾಡಿಕೊಳ್ಳಲಿರುವ
45 ಎಕರೆ ಜಮೀನು ಮಂಜೂರಾತಿ ಕುರಿತು

ಅಭಿಪ್ರಾಯವನ್ನು ತಿಳಿಸಲು ಕೋರಿದೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಜಮೀನಿನ
ಬಗ್ಗೆ ಈ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವ ಮಾಹಿತಿಯಂತೆ
ಈ ಜಮೀನು ಚಾರಣಬೆಟ್ಟ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 1 ರಲ್ಲಿ
ಒಟ್ಟು 1,000 ಎಕರೆ ವಿಸ್ತೀರ್ಣವಿದ್ದು, ಇದರಲ್ಲಿ
ಸುಮಾರು 600 ಎಕರೆ ಪ್ರದೇಶವು ಅರಣ್ಯ ಪ್ರದೇಶವಾಗಿರುತ್ತದೆ.
ಉಳಿದ ಪ್ರದೇಶವು ಗೋಮಾಳ ಜಮೀನಾಗಿರುತ್ತದೆ.
ಈ ಜಮೀನಿನಲ್ಲಿ ಸುಮಾರು 200 ಕುಟುಂಬಗಳು
ವಾಸಿಸುತ್ತಿದ್ದು, ಇವರಿಗೆ ಯಾವುದೇ ಕೃಷಿ ಭೂಮಿ
ಇರುವುದಿಲ್ಲ. ಇವರು ಕಾಡಿನಲ್ಲಿ ಸಿಗುವ ಜೇನು,
ಗೆಡ್ಡೆ-ಗೆಣಸು ಮತ್ತು ಕಾಡು ಪ್ರಾಣಿಗಳ ಬೇಟೆಯಿಂದ
ಜೀವನ ಸಾಗಿಸುತ್ತಿರುತ್ತಾರೆ. ಇವರಿಗೆ ಯಾವುದೇ
ಶಾಶ್ವತ ಉದ್ಯೋಗವಿಲ್ಲದೆ ಇರುವುದರಿಂದ ಇವರ
ಜೀವನ ಮಟ್ಟವು ತೀರಾ ಕೆಳಮಟ್ಟದಲ್ಲಿರುತ್ತದೆ.
ಆದ್ದರಿಂದ ಇವರಿಗೆ ಜಮೀನು ಮಂಜೂರು ಮಾಡಿದಲ್ಲಿ
ಇವರ ಜೀವನ ಮಟ್ಟವು ಸುಧಾರಿಸುವುದಲ್ಲದೆ
ಇವರು ಕಾಡಿನಲ್ಲಿ ಅಲೆದಾಡುವುದು ತಪ್ಪುತ್ತದೆ;
ಹಾಗೂ ಕಾಡಿನ ಸಂರಕ್ಷಣೆಗೆ ಸಹಾಯವಾಗುವುದು.
ಆದ್ದರಿಂದ ಈ ಜಮೀನನ್ನು ಇವರಿಗೆ ಮಂಜೂರು
ಮಾಡಲು ಅಭಿಪ್ರಾಯಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಬಳಕೆ 27/4/06
ಸಂ. ಕಛೇರಿಯಲ್ಲಿ
ಟೈಪಿಸಿದ

ಅಂಚೆ ಪೆಟ್ಟಿಗೆ ಸಂಖ್ಯೆ

Order

The petitioner was authorized under the Govt. decision dt 5/12/9
to redeem the kachcha lands by payment of the mortgage
amount within 6 months. She produced the amount Rs
11-0-0 on 15/6/93 for the payment to the mortgagee after
certain conditions were complied with. The Opposite party
to receive the principal alone and claimed produce for a period
of 3½ years during which he was out of possession though the
Govt. did not pass any decision as the counter petitioner's
right to receive mesne profits, the I held that he was
entitled to the same as Govt: has confirmed his possession
and called upon the Amlodar to submit findings as to the
produce realized from the land for the 3½ years 1890-91 and 91-92.
The Amlodar reports that the produce realized were as follows.

Vikriti . . . . . Rs 130-10-9 in deposit and 17-0 ½ pathi
with the Patel.

Kharaf . . . . . 25 Candies of paddy paid to the Government.

Kharedanna . . . . . 25 Candies in deposite with Sagunabid
Amagoan Bommaya, who has agreed to
produce it on demand

Against these findings the parties have filed no objection as
The Opposite party has produced no evidence in support of his
claim for produce at 45 Candies of paddy and 60 bundles
of straw a year as regards the year Vejaypik (1892-93). The
petitioner claims the whole produce which the Opposite party
claimed produce for the ½ the year because the moon
was produced only on 15th June 93. The produce for the year
is not divisible as claimed by Opposite party. The cultivating
season usually begins only in June, and the rent is
payable at the end of the year. The Opposite party could
received the amount from deposite takdar, and
cannot claim the interest from the intermediate

because has to blame himself for having allowed the amount to remain in deposit.

Even if she be should be allowed to produce as claimed he will have to pay the assessment which might be fixed on the Manigaon lands for the benefit of the Inamdar from the date of Govt. decision.

I therefore think it fair to both parties to direct that the Petitioner should be declared entitled to the produce for the Fasli 1303. and 1304. as found by the Amildar the petitioner taking the produce for the year Vyayah, and that the petitioner should be at once placed in possession of the lands the necessary steps should be taken for getting the lands assessed and the patta made out in the name of Abdul Shah Rupees 130-10-, and the paddy due for Vikruti and Inamdara will be collected and paid to Counter-pititioner by the amildar. The pititioner shall pay the Value of 25 Candies of paddy due for Khara viz Rupees 250 with interest at a six per cent from 1st April 1892 on the Security of the lands in dispute.

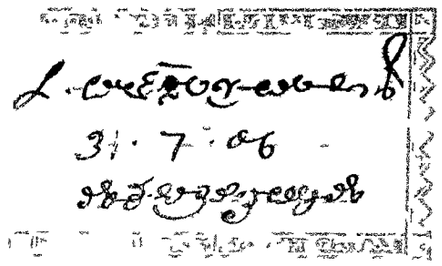
26. 4. 94. Signed C. Rangaswami Ayengar
By Comr.

ಕಂ ಅ. ಆಜ್ಞೆ ಪ್ರಕಾರ 21-8-94

ಆ —— ಇಂತೆ ಆ. 21-9-94.

ಆ —— ಸಂಖ್ಯೆ 22-9-94

ధ్యానం అనేది ఆత్మ సాక్షాత్కారానికి మార్గం. ఆత్మ
స్వరూపాన్ని తెలుసుకోవడానికి ధ్యానం అవసరం. ధ్యానం
చేయడానికి కొన్ని పద్ధతులు — ముందు శ్వాసపై ధ్యాస ఉంచడం
అంటే ఊపిరి లోపలికి, బయటకి వెళ్ళడాన్ని గమనించడం
ద్వారా మనస్సు ఏకాగ్రత పెరుగుతుంది. — అలాగే శరీరంలోని
ఆధారచక్రాలపై ధ్యాస ఉంచడం ద్వారా కుండలినీ శక్తిని
మేల్కొలపవచ్చు. ఇవన్నీ ధ్యానంలో ఉన్నత స్థితిని
పొందడానికి ఉపయోగపడతాయి. ధ్యానం చేసేటప్పుడు
ఏకాగ్రత కోసం ఓంకారాన్ని జపించడం కూడా మంచిది.
ధ్యానం చేసేటప్పుడు శరీరం, మనస్సు, ఆత్మ ఒకే
రేఖపై ఉండాలి.



ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ ಮತ್ತು ಸಿಜೆಎಂ ಕೋರ್ಟ್‌ಗೆ ಅಲ್ಲಿ.

ಸಣ್ಣ ಗಾಂ ನೇ ನಂಬರು.

ಪ್ರತಿವಾದಿ

VS

1 ಕೆಳಗೆ ರುಜುಮಾಡುವ ಇವರಿಂದ ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯನ್ನು ಪರವಾಗಿ ಆಜ್ಞೆರುವರಿವಿಗೂ ವಿವಾದಜರಿಗಿಸಲಿಕ್ಕೆ ಮಿಸ್ಟರ್ — ರಿಗೆ ವಕಾಲತ್ತು ಕೊಟ್ಟಿದ್ದೇನೆ.

2 ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಪರವಾಗಿ ಆಗುವಎಲ್ಲಾವಿಧವಾದ ಆರ್ಡರನ್ನು, ಡಿಕ್ರಿಯನ್ನು ಜಾರೀಮಾಡಿ, ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ ಬಂಧಹಣಕ್ಕೆ ರಶೀತಿಕೊಡುವದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ರೀಫಂಡಾದ ಸ್ಟ್ಯಾಂಪನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ ಮತ್ತು ದಸ್ತ್ರೈವಜುಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕು ಸಹಇದರಿಂದನಿಮಗೆ ಸಂಪೂರ್ಣವಾದಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

3 ಈ ಆದಾರವನೇಲೆ ನೀವಾಗಲಿ ಮತ್ತು ನಿಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಮಾಡುವ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ಇದ್ದು ನಡಿಸಿದಂತೆ ಪಪ್ಪಿಕ್ಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಈಕಳಗೆ ರುಜು ಮಾಡಿದ್ದೇನೆ.

ಒಪ್ಪಿದ್ದೇನೆ. ಕಕ್ಷಿಗಾರನು ಬಲ್ಲವನಾಗಿದಾನೆ.

ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿದಾನೆ.

18-8-

ಪ್ಲೀಡರ್. ಪ್ಲೀಡರ್.

ಶ್ರೀ ಕೃಷ್ಣವಿಲಾಸ ಪ್ರೆಸ್. ಮೈಸೂರು.

2866

Mus 1 A]

190

From

27.11.

To

The Superintendent of
Inam Settlements in Mysore

Dated

Despatched 26/1/07

Received

General No. 1/1/07

No.

Enclosure No.

His No 79, dated 5th December 1905, forwarding the "Struck off" Register of the lands formerly registered as Devadayi Inam in favor of the Makkan at Kiranur village in the Seringapatam Taluk.

Has the owner to request to be furnished with a copy of the original Inam Register pertaining to the lands in the Kiranur village of the Seringapatam Taluk registered as Inam ~~[illegible]~~ to

GPB—3,000—21-7-06

2345

Mnz. 1 A]

190

From

27.11.

To

The Deputy Commissioner,
Nuzvid District.

Dated

Despatched 3.1.07

Received

General No. 1,11
No.

Enclosure No.

Sir

I am directed to state that in pursuance of Pro: No. 10126 P.2 129 dated 15th December 1892, issued by Govt. in the Genl. & Rev: Depts, the Superintendent of Inam Settlements has submitted a "struck off" Register showing that the inam lands in the Kirangur village of the Sermiapalem Taluk, registered as devadaya inam in favor of

P PB—8,000—21-7-03

the Makkan at Kiriagama was resumed and the full assessment of Rs 84/- was imposed thereon.

2. I am directed to request that you will be so good as to report if the imposition of the full assessment on the resumed lands referred to above was communicated by your Office and if so, whether the same is being received and from whom and from what year, and paid for services in the Makkan in accordance with the orders conveyed in the Govt Prov: of the 16th December 1892, referred to above.

~~3. I am also to request~~ the submission of your proposals in the matter of, ~~six~~ the scale of expenditure on of services in the Makkan at of the of the

early reply is requested

I have &c,
Sd
28/11/93
A Secretary

No. 60/1

Inam Superintendent's office
Bangalore dated 10th December 1907.

MYSORE GOVERNMENT

To,
The Superintendent of Inam
Settlements in Mysore.

To,
The Secretary to the Government
of Mysore, Muzrai Department.

Sir,

As requested in your docket No. 2569 dated 28th November 1907, I have the honor to forward herewith, a copy of the original Inam Register pertaining to the grant of Inam lands to the Mathan in Kirangur village, Seringapatam Taluk.

I have the honor to be,
Sir,
Your most obedient Servant.

D Rama Rao
Superintendent of
Settlements in
Mysore

Register sheet No. 48

Taluk - Ashtagram
Hobli — Kirangoor
village — Kirangoor

Copy of the Inam or Inam

Register ~~of Inams~~ in the village of Kiranagoor in the

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No and name of field or fields comprised in the grant Dry wet or garden	Extent Local measure Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Extent Measure in acres and their fraction in decimals
1	2	3	4	5
			Huzur Jari account 1803	
14	Devadaya	Dry No	K. C. P " - 1 - "	
Struck off No 33		wet No 81 86	" - 17 - 8	
			" - 18 - 8	
			Krishnaraj	
		wet	3 - 15 - 15	
		Dry	" - 2 - 10 3/16	
			3 - 18 - 9 3/4	

Sammat of Kirangoor in the Taluk of Ashtagram

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam If for service, it is to be stated whether the service is continued. If for tanks, buildings, etc., whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc., or liable to quit-rent, *i. e.*, jodi, etc., amount of latter to be entered
Where no survey has been made and no assessment fixed by Government, the cess paid by the raiyats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7			
6	7	8	9
0 : 43-5-6	—	For Abdulla Khan's Makan in this village which cost Rupees 'enchpieche is in good order and service). Continued.	Free

DOCUMENT IN SUPPORT OF THE INAM

By whom granted and in what year	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given.
10	11
— " —	1 Sannad from Navab Hyder ali khan dated in 17 granting one Devaraj kandy of wet land and dry land Devaray one kudu to Abdulla Shaperzade as Inam and directing Merigonda to assign and continue the said extent as Inam in the kirungoor village. 1 Jakeed from Dewan Poornaih to the Amil of Patna astagram Taluk dated in 1799 directing him to continue as heretofore one kandy of wet land and one dry field in addition to the cash payment of Pagoda 3-00 annually to Abdulla Sha khadari. 1 Keroop dated 3rd March 1811 from His late Highness the Maharajah to the Amil of Patna Ashtagram Taluk directing him to continue as heretofore to Inamulla Shaw at Kirungoor of your Taluk krishnaraj 3-15-15 of wet & " - 2-10 3/4 of dry in all 3-18-9 3/4 assessed at 14-9-0 to the said individual without molestation. originals produced.

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
	Huzur Jari account 1803 Abdul Sha Makan K. C. P P. F. V Dry 1-0-0 0-8-0 Wet 4-17-8 11-1-0 4-18-8 11-9-0	1831. Abdul Sha Makan K. C. P P. F. V Dry 4-2-10½ 4-4-8 Wet 3-15-11 14-4-8 3-18-5½ 14-9-0.

of the

OF SUBSEQUENT AND PRESENT HOLDERS

Particulars regarding present owner. If the inam has been subdivided, the name, etc., of each sharer should be entered in the columns			
Residence, name and age, etc.	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Kirangur Abdulla Sha Ruthan Manager protem			

ion

NGTH OF POSSESSION

ct of the orders already issued by the Com-oner or the Superintendent of the Division rposes regarding validity or excess of the Inam	Assistant's opinion and recommendation	Review by the Special Assistant and confirmation by the Inam Commissioner
19		~~20~~

A valid grant the extent of which as per old account rom dry and wet is 4-18-8, but the manager objects to adoption in column 4 on the ground that the makan is in the enjoyment of about 4 candies of land as per heroop of the Maharajah. The exact extent of Devarayakandy is not known, but it is probable that when converted into krishnaraj the extent tallies with that given in the Maharajah's eroop. However the extent shown in the Maharajah's rder may be adopted for this case.

The makan is not in the enjoyment of Ready Money grant alluded to in the order of Dewan Poornaiah quoted in column 17, and the manager states that he does not know what has become of it and ever since he has taken charge of the institution he has never received it. This point will however be elucidated when the accounts of Ready Money grants are taken up, which has nothing to do with Land Inams.

The wet lands are very valuable in this Taluk which are irrigable by the river Kaveri and situated to close proximity to Cavaba. The former manager or father son's manager appears to have mortgaged the 1/4 of wet land to one

GPB—1,000 books of 2 sheets each—9-8-06.

at mysore for Rupees 1,500/ in 1853. The said mortgagee Gundappa re mortgaged it for the same amount to one Amiah in 1875, but the document purports to have been issued by the present Manager who denies intoto all knowledge and states that he was apprehended by a warrant to get the document registered against his will and he swore that he did not receive a pie for the document which purports to have been executed in his name.

4. From the enquiry I understand that there was some foul play in the matter, but I need not detail it here. The wrongdoer shall however suffer some day or other.

5. The alienation of this charitable grant being repugnant to the rules, a notice was served on the present mortgagee Amiah on 24th ultimo to give up the land within 6 months from the date of the notice. He has presented a petition to this office after that notice was served to say that this Inam is not a charitable one which was granted for the benefit of the Makandar, & that as a personal Inam he (the mortgagee) cannot be ousted from the land. It is scarcely necessary to say that it is a charitable Inam. It was given to a Makan and it is borne out by the Huzur jari accounts under the head of Devadaya. The object of the mortgagee is simply to secure his interest in and hold upon the land on the plea which cannot be sustained for a moment and the mortgagee must as a matter of course must suffer the consequences of his evil deed. The mortgagee is a man

of

of substance and seems to have realized the mortgage sum mainly if not wholly from the proceeds of the Inam land during the last four years of famine. The revenue authorities may be requested to oust the mortgagee from the possession of the land under the rules.

6. The area in column 4 showing in Krishnaraj may be confirmed and continued free on Rule V / Title Deed.

/Signed/ Syed Nuzeeroodeen
Assistant

13th June 1879.

Review by the Special Assistant and confirmation by the Inam Commissioner.

20

1 Show me the accounts of 1803 & 1831.

/Initled/ Robt. Cole
Supt. of Inam settls.

29-8-79.

2. In the accounts of 1803 & 1831 the words "Abdoolla Shahs' Inakan" are used. I concur with the Assistant in considering that it cannot be considered as a personal grant.

3. Confirmed free.

/Signed/ Robt. Cole,
Supt. of Inam settls.

30th August 1879.

4. The documents produced by the mortgagee were returned to him through the Amil with order No. dated 8-7-80

/Sd/ Robt. Cole,
Supt.

25-11-80

5. The mortgaged land has been restored to the institution vide the correspondence ending with Ashtagram Amils' report No. 850 dated 31st August 1881.

/Signed/ J. P. Grant
Supt. of I. S.

13-9-81.

6. Vide Government Proceedings No. 10126 / p. 5129 dated 15th December 1892 Resuming this Inam as it was alienated to third parties.

7. Struck off.

(Signed) J. P. Grant ---
Supt. of Inams & Atts.

1-12-1905

"Copy"

D. Muniswamy
Supt. of Inams & Atts. in My

Copy.

Inam Supt's office
Bangalore 10th dated
December 1907

Muz. 1 A]

MUZRAI SECRETARIAT.

190 —190

From

L ANANTASAMI RAO, Esq, B.A.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Muzrai Department.

To

The Dy Commr
Mysore Dt.

Dated

Despatched 20th May 1908

Received

General No. 5137.
Muzrai F. No.

Enclosure No

In inviting his attention
to this Office Docket No 2570
of 28th Nov. 1907 regarding
the cash grant equivalent
to the assessment of the
lands originally assigned
as inam to the Abdulla Shah
Makkan in the
village of the S

GBP—3,000 copies 21-9-07

Taluk, have the honour to request that the information called for may be furnished as early as possible.

By order

Draft

20/5/08

Legislative Dept.

20/5/08

ಕೋರ್ಟಿಗೆ.

190 - ನೆ ನಂಬರು

ವಾದಿ

ಪ್ರತಿವಾದಿ

ನಂ

ಬರೆಸಿಕೊಟ್ಟವಕಾಲತ್‌ನಾಮಾ.

ಮೇಲ್ಕಂಡ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖ್ಯೈರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರವಾಗಿ ಆಗುವ ಯೆಲ್ಲಾ ವಿಘಾಡ ಆರ್ಡರ‌ನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವಪಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಶಿಲ್ಕುಮೊಬಲಗು ಸಹಾಪಡಿಯೆಲಿಕ್ಕೂ, ನನಿಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡಿಯೆಲಿಕ್ಕೂ, ದಸ್ತ್ರಿವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯೆಲಿಕ್ಕೂ ಸಹಿಮೊಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ.

ಈಆಧಾರದಮೇಲೆ ತಾವಾಗಲೀ ಮತ್ತು ತಮಗೋಸ್ಕರ ಮತ್ತಾವನ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಯಾರ್ಜಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇಸ್ದು ನಡಿಸಿದಂತೆ ವಪ್ಪಿಕೊಳ್ಳಲು ಒದ್ದನಾಗಿ ಇಸ್ಹೇನೆ.

ತಾರೀಕು ರುಜು.

ಈಪೊಖ್ಯಾರುನಾವಾಮಾಕೊಟ್ಟವರುನನಿಗೆಸರಿ ಜಾಯೆಸ್ತರಾಗಿಸಮಜ್ಜನುರುಜುಮಾಡಿಗುತ್ತಾರೆ.

ಈಪೊಖ್ಯಾರುನುಮೂ ಅಂಗೀಕರಿಸಿ ಇಸ್ಹೇನೆ.

Apply to S Subbu Rao & Brothers, Cheapest, Bangalore City.

Presented
by Muhammadbin
Saifulla &
Mohadin Khan

CSB

29/8/08.

3

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	12	0	0
	6	8	0
	30	0	0
	4	8	0
	48	0	0
	101	0	0

G.R.S. 28]

13

File No.

Serial No. 64

Diary No. of letter replied to —

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 190

ite of issue —

ned by —

READ.—

1. Govt. Proceedings no. 10126-P7 129 dated 15 Decr 1892 passing orders regarding the alienation of a service Inam land by ~~one~~ Pachamiya in favour of Battada malige ~~Amaiah~~ Amaiya of Seringapatam (Print in Extenso).

~~ORDER SHEET No.~~

2. Govt. order no. 476-P.7.129-92 dated 11 July 1895 confirming the decision of the Dy Commr, Mysore, awarding three years' mesne profits to malige Amaiya of Seringapatam (Print in Extenso)

3. Govt. order no. 4355 dated

over

SUBJECT

MGCPB -20,000-21-2-05

30 March 1906 passing orders
in re the claim of ~~Javaraj~~ Javanaiya
son of Annaiya for recovery
of certain mesne profits from
lands formerly attached to the
Abdullasha Makan at Kiangan
but now in the possession of
Thimmamma & her sons.
~~4. Petition~~ (Print in Extenso)

4. Petn. No 2211 dated 24-10-06 from
Javanaiya son of Annaiya praying
for a ~~review~~ reconsideration
of the order of Govt (No. 3) read above.

Order thereon [illegible] 15.1.1909.

The facts of the case are
clear from the ~~various~~ papers
read above. ~~and~~
The various parties concerned
~~have been heard by Govt~~
~~have~~ appeared before Govt
~~by them~~ in person & through
Counsel & were heard on the
11th & 29 August 1908.

G.R.S. 27

GENERAL AND REVENUE
SECRETARIAT

(Continuation Sheet Quarto form.)

The facts of the case are clear from the papers read in the preamble.

The amount, ~~about~~ to the ~~realisation~~ recovery of which the present proceedings relate, is the ~~value of the~~ mesne profits of the land - formerly belonging to the Makan & now in the possession of Thammamma & her sons - for the year Khara 1891-1892. The lands had then been attached by Govt from the possession of Annaiya and the produce of the year was taken by the ~~then~~ makandar. In his order ~~dated~~ passed in 1894, the then Dy Commr of the Mysore Dt (Mr A. Rangasami Iyengar) ~~now Revenue Commr~~ directed ~~that~~ the makandar to pay 250 Rs the value of the produce of the land for the year Khara (1891-1892) with interest at 6 per cent per annum from 1st April 1892 to Javaraiya son of Annaiya and directed that the amount should be recovered on the security of the lands in question. This order ~~has~~ was not ~~yet been~~ complied with and the lands in question were sold ~~in 1894~~ by the makandar

MGCPB—30,000—5-4 07

Lingaiya husband of
Thammamma ~~in 1894~~.
on 16 Novr 1894.

On Javaraiya's appli-
-cation the lands in Thammamma's
possession were proceeded
against to recover the amount referred to
(in 1905) but the proceedings
were ~~stopped~~ stayed under the
orders of Govt. ~~Subsequently~~
~~Govt~~ In their proceedings of 30 March of Govt-
held that the lands in the possession of Thammamma
were not
liable & directed ~~the~~ Javaraiya
to proceed against the ~~the~~ other
property of the Makandar. It is this order that
is sought to be reviewed.

On a full & careful
consideration of the case in
all its aspects & after hearing
all the parties interested, Govt
come to the conclusion that
Javaraiya is equitably entitled to the
assistance of Govt in recovering
the mesne profits of 1891-92 from
the Makandar without being
obliged to ~~the~~ resort to ~~the~~ the
civil courts ~~for the purpose against the Makandar~~, for
the purpose.

In a statement now
presented by the ~~present~~ minor
Makandar
this mother (guardian) it is
alleged that ~~the lands were~~
~~sold to Lingaiya in consideration~~
~~of his discharge~~

G.R.S. 27.

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

a part of the consideration for the sale of the lands to Lingaiya in 1894 was the discharge of the claim of Javanaiya, but that Lingaiya ~~omitted~~ failed to satisfy the claim. The original sale deed ~~was~~ has not been produced, but even if the allegation is true, it raises a question affecting the Contractual relations between Thammamma (widow of Lingaiya) and the Makandar & is a matter entirely for the Civil Courts to adjudicate upon.

So far as the Govt is concerned the fact remains that the obligation subject to which the Dycomm ~~permitted~~ placed the Makandar in possession of the lands ~~to redeem the lands~~, under the Govt order of 1892 remains ~~unsatisfied~~ & undischarged.

The makandar enjoyed the produce of the lands in 1891-92 is bound to restore the same to the person properly entitled thereto viz Appanaya ~~Lingaiya~~ (& now his son Javanaiya)

MGCPB—30,000—5-4 05.

and the Govt is responsible to see that this is done as they kept Annaiya out of possession in 1891-92.

~~Govt therefore direct that~~ As the makandar is too poor to ~~discharge~~ pay off the whole debt ~~at~~ at once, Govt direct that the debt be discharged by instalments in the manner hereinafter specified, out of the cash grant due to the makan under the ~~order~~ Govt order of 1892.

It is understood that of the lands formerly belonging to the makan which were directed to be fully assessed & treated as ~~pesa~~ private property under the order of 1892, a portion is still in the enjoyment of the ~~late~~ makandar while a portion is in the possession of Thammamma & her sons under the sale deed of 1894. Govt direct that the full assessment on the lands still in the possession of the makandar be recovered from him and paid as a cash grant to the makan for its current maintenance, & that the full assessment on the lands in Thammamma's possession be

G.R.S. 27 |

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

recovered & treated as a cash grant to the makan, but appropriated to the repayment of the debt due to ~~Gurnaiya~~ Javanaiya son of Annaiya as directed ~~in that~~ above.

After the debt is discharged this amount will also be paid to the makan for his maintenance as directed in the Govt order of 1892.

x x x x x

In this case connection with Govt find that the direction in the Govt order of 1892, that the lands ~~refer~~ then belonging to the makan should be fully assessed & that a cash grant equivalent to the assessment should be made to the makan, had ~~if~~ not yet been fully carried into effect. It is observed that the lands were fully assessed only in 1906. and that till then no assessment was being recovered thereon either from the Makandar or from Thammamma or her ~~late~~ husband Kingaiya, who were in possession of the lands. Govt cannot but express great dissatisfaction & that a matter of this kind have escaped the

he produce of the lands for years Vikruti (1890-91) Vandana (1892-1893) was due to Javanaiya son of naiya under the Dy.commi of 1894. This produce Kept in deposit was ected to be handed over ~~Javanaiya~~ to Annaiya in 1894. not clear from the pers now before Govt- ether this has been done, this has not been done & if the produce or the e thereof is still in sit, the Dy.commi quested to deliver same to Javanaiya ut delay.

MGCPB—30,000—5-4 05.

for such a long time
the local authorities & that
they should have been so
much delay in carrying out
the orders of Govt. Govt
however observe that the
fact that the full assessment
was not entered in the demanded from time to time
accounts till 1906 does not
absolve the parties concerned
from the liability to pay the such
~~full~~ assessment on the enhanced
date of the Govt order of 1892.
~~to which Govt~~ They therefore
direct that such full
assessment be recovered
from the ~~parties~~ several parties
~~respectively~~ concerned &
credited to Govt, subject
however to the proviso
that the amount due
from the makandar for
the lands in his possession
need not be recovered in
cash, but should be adjusted
in the accounts as a
cash grant to the Makan
for its maintenance during
the period. With regard
to the cash grant to the
makan equivalent to
the full assessment recovered ~~as directed above~~
from the other parties, separate
orders will be passed after the

G.R.S. 27.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

recovery of the arrears of assessment as directed above.

The Dy Comm^r is requested to take ~~immediate~~ the necessary ~~steps in the matter further~~ action without delay & report ~~fact~~ for the result of such action.

KPM 12/12/08

CAB Secy 12/12/08

Asst Supt.
Dy Comm^r Mysore &
returning Serv records.
Supt Main Settlements.
Survey Supt.
Revenue Comm^r in Mysore

MGCPB—30,000—5-4 05.

Proceedings of the Government of His Highness the Maharaja of Mysore

READ—

1 The following Government Proceedings No 10126—P F 129, dated 15th December 1892

Letter from the Deputy Commissioner, Mysore, dated 3rd April 1891, No 14

Appellant	*vs*	*Respondent*
B M Annaiya of Seringapatam represented by Mr Advocate Parmasiva Iyer		Abdulla Sha, son of Pachamiya represented by Mr Advocate Krishnaiengar

Decision, dated 15th December 1892

This is an appeal referred by the Acting Deputy Commissioner of Mysore for disposal by Government as the appeal is against his own order passed as Sub-Division Officer

2 Respondent's father borrowed Rs 1 500 from Appellant and mortgaged his Inam* to him in 1875 In 1879, when the Inam came under the settlement of the Inam Commissioner, Appellant was called upon to give up the land but he pleaded that the Inam was personal The original grant shows the Inam to be personal but the Inam Commissioner treated it as Devadayam, on the ground that the accounts of 1803 and 1831 showed that it belonged to the Makan, and ordered in 1880 that the lands be put in possession of the Respondent's father The Appellant refused to give over possession unless the money borrowed was repaid with interest, and at last the Sub-Division Officer ordered, on 30th August 1890, that the lands be put in possession of the Respondent The appeal is against this order

* Nos 81 and 86 Inam

	K	K	P
Wet	3	15	
Dry	0	2	10
	3	18	9?

3 Viewing the decision of the Inam Commissioner in 1879 in regard to the tenure of the Inam as final, since no appeal has been preferred, the order passed by the Sub-Division Officer is correct, but considering the fact that the sannads treat the Inam as personal, and that the Appellant has lent a large sum prior to the Inam Settlement, apparently in good faith that the Inam was personal, the Government consider that it would be hard to deprive him of the possession of the land They therefore direct that the Inam be resumed and fully assessed and a money grant equal to the assessment made to the Respondent for services at the Makan If the Respondent, however, is able to redeem the mortgage, he may do so within six months

2 Government Order No 476—P F. 129-92, dated 11th July 1895

"Petition of appeal No 97 of 1894-95, presented by Bhatada Malige Annaiya of Seringapatam appealing against the order of the Deputy Commissioner of Mysore, dated 26th April 1894, regarding the mesne profits of the Kirangur Makan Inam lands mortgaged to the petitioner, which in Government decision, dated 15th December 1892, the present Makandar Abdulla Sha was authorized to redeem

2 Letter No 1126, dated 15th April 1895, from the Deputy Commissioner, Mysore District, reporting on the above and the records received therewith

Order

The Deputy Commissioner's decision is equitable and correct He has given good reasons for allowing the appellant three years' produce as found by the Amildar This appeal is rejected"

3 Government Order No 4355, dated 30th March 1906

"Petition Registered No 599, dated 2nd August 1905, from Thimmamma and her two minor sons in the matter of the sale of certain lands belonging to them

Correspondence ending with docket No 79, dated 7th December 1905, from the Superintendent of the Inam Settlements in Mysore

Order

The facts of the case are as follows —

Lands, Maji Nos 81 and 86 measuring 3 kandies 15 kolagas 15 padies of wet and 2 kolagas and $10\frac{3}{4}$ padies dry, bearing an assessment of Rs 43-5-6 in the Kirangur village now belonging to the French Rocks Sub-Taluk, which were originally granted as personal inam to one Abdulla Sha Peer Jade, were registered during the Inam Settlement in 1879 as Devadaya Inam for Abdulla Sha's Makan bearing survey numbers noted in the margin Pachamiah one of the descendants of the original Inamdar having mortgaged the lands to one Malige Anniah for Rs 1,500 prior to the Inam Settlement, the late Mr D Namkal Rao, Sub-Division Officer of French Rocks passed an order in 1890, directing that the lands which were treated as Devadaya Inam, be taken away from the hands of the alienee and delivered over to the Makandar On appeal, the Government decided in their

Wet	621
	1 027 part
	1 023 part
	1 029
Garden	599
Wet	637
	638

Total 11 acres 18 guntas assessed at Rs 84

Proceedings of the Government of His Highness the Maharaja of Mysore,

Proceedings No. 10126—P F. 129; dated 15th December 1892, that, in consideration of the fact that the sannads treated the Inam as personal and that the Appellant Maligc Anniah had lent a large sum, prior to the Inam Settlement, the Inam be resumed and fully assessed, permitting the Makandar, however, to redeem the mortgage within six months, if he were able to do so. In pursuance of this decision, the widow of the deceased Makandar, having produced before the Deputy Commissioner a sum of Rs 1,500 being the mortgage money, the lands were taken away from the mortgagee and given to the possession of herself and her minor son, Abdulla Sha. During the interval, three years' produce became due to the mortgagee Anniah but out of this, one year's produce, *viz.*, 25 kandies of paddy for the year Khara, had been collected by the widow Murodbi and utilized by her The value of this, *viz.*, Rs. 250, together with interest thereon at 6 per cent per annum from the 1st April 1892, was therefore ordered by the late Deputy Commissioner, Mr Rangaswami Iyengar to be recovered from the said Murodbi and her minor son and paid to Anniah The said Anniah since died and his son Javaraiya began to press for payment. With a view to recover the said amount, the Deputy Amildar of French Rocks, C R Narayanaswami Mudaliar, advertised for sale some of the lands in question, which had been subsequently sold by Murodbi to one Linganna of Mysore in November 1894 for Rs 3,000 The present petition by Thimmamma, widow of Linganna is against the proposed sale of the lands under dispute Her contention is that the lands purchased by her husband were the personal property of the Makandar and are not therefore liable to attachment and sale in satisfaction of the produce due by the Makandar to Javaraiya

2. The Government observe that the lands now in the enjoyment of the petitioner Thimmamma became her own property as they had been declared by Government to be the private property of the Makandar and were purchased by the petitioners' husband in 1894. As such they are not liable to attachment and sale on account of Javaraiya's claim. The attachment, so far as it relates to Thimmamma's lands, should therefore be withdrawn. The amount due by the Makandar to Javaraiya under the decree of the late Deputy Commissioner Mr. Rangasami Iyengar, will have to be recovered by Javaraiya from the private property of the Makandar.

3. Petition No 2211, dated 24th October 1906, from Javaraiya, son of Annaiya, praying for a reconsideration of the order of Government (No. 3) read above.

No. 548-52—Muz. 13-06-4, dated Bangalore, 5th January 1909.

Order thereon.—The various parties concerned appeared before Government in person and through counsel and were heard on the 11th July and 29th August 1908. The facts of the case are clear from the papers read in the preamble.

2. The amount to the recovery of which the present proceedings relate is the mesne profits of the land formerly belonging to the Makan and now in the possession of Thimmamma and her sons—for the year Khara, 1891-92. The lands had been attached by Government from the possession of Anniah and the produce of the year was taken by the Makandar. In his order passed in 1894, the then Deputy Commissioner of the Mysore District (Mr. A. Rangasami Iyengar) directed the Makandar to pay Rs. 250, the value of the produce of the land for the year Khara (1891-92) with interest at 6 per cent per annum from 1st April 1892 to Javaraiya, son of Annaiya, and directed that the amount should be recovered on the security of the lands in question. This order was not complied with and the lands in question were sold by the Makandar to Linganna, husband of Thimmamma on 16th November 1894.

3. On Javaraiya's application the lands in Thimmamma's possession were proceeded against in 1905 to recover the amount referred to but the proceedings were stayed under the orders of Government. In their proceedings of 30th March 1906, Government held that the lands in the possession of Thimmamma were not liable and directed Javaraiya to proceed against the other property of the Makandar. It is this order that is sought to be reviewed.

4. On a full and careful consideration of the case in all its aspects and after hearing all the parties interested, Government come to the conclusion that Javaraiya is equitably entitled to the assistance of Government in recovering the mesne profits of 1891-92 from the Makandar without being obliged to resort to the Civil Courts.

Muzrai, dated 5th January 1909.

5. In a statement now presented by the minor Makandar and his mother (guardian) it is alleged that a part of the consideration for the sale of the lands to Linganna in 1894, was the discharge of the claim of Javaraiya, but that Linganna failed to satisfy the claim. The original sale-deed has not been produced, but even if the allegation is true, it raises a question affecting the contractual relations between Thimmamma (widow of Linganna) and the Makandar and is a matter entirely for the Civil Courts to adjudicate upon.

6. So far as the Government is concerned the fact remains that the obligation subject to which the Deputy Commissioner placed the Makandar in possession of the lands under the Government Order of 1892, remains undischarged.

7. The Makandar enjoyed the produce of the lands in 1891-92, and is bound to restore the same to the person properly entitled thereto, *viz.*, Anniah (and now his son Javaraiya), and the Government is responsible to see that this is done, as they kept Anniah out of the possession in 1891-92.

8. As the Makandar is too poor to pay off the whole debt at once, Government direct that the debt be discharged by instalments, in the manner hereinafter specified, out of the cash grant due to the Makan under the Government Order of 1892.

9. It is understood that of the lands formerly belonging to the Makan which were directed to be fully assessed and treated as private property under the order of 1892, a portion is still in the enjoyment of the Makandar, while a portion is in the possession of Thimmamma and her sons under the sale-deed of 1894. Government direct that the full assessment on the lands still in the possession of the Makandar be recovered from him and paid as a cash grant to the Makan for its current maintenance, and that the full assessment on the lands in Thimmamma's possession be recovered and treated as a cash grant to the Makan, but appropriated to the repayment of the debt due to Javaraiya, son of Anniah, as directed above. After the debt is discharged this amount will also be paid to the Makan for its maintenance as directed in the Government Order of 1892. The produce of the lands for the years Vikruti (1890-91) and Nandana (1892-93) was also due to Javaraiya, son of Anniah, under the Deputy Commissioner's order of 1894. This produce was kept in deposit and was directed to be handed over to Anniah in 1894. It is not clear from the papers now before Government whether this has been done, but if this has not been done and the produce or the value thereof is still in deposit, the Deputy Commissioner is requested to deliver the same to Javaraiya without delay.

10. In connection with this case Government find that the direction in the Government Order of 1892, that the lands then belonging to the Makan should be fully assessed and that a cash grant equivalent to the assessment should be made to the Makan has not yet been fully carried into effect. It is observed that the lands were fully assessed only in 1906, and that till then no assessment was being recovered thereon either from the Makandar or from Thimmamma or her husband Linganna who were in possession of the lands.

11. Government cannot but express great dissatisfaction and regret that a matter of this kind should have escaped the attention of the local authorities for such a long time and that there should have been so much delay in carrying out the orders of Government. Government, however, observe that the fact that the full assessment was not entered in the accounts till 1906, and demanded from time to time does not absolve the parties concerned from the liability to pay such assessment on the lands from the date of the Government Order of 1892. They, therefore, direct that such full assessment be recovered from the several parties concerned and credited to Government, subject however to the proviso that the amount due from the Makandar for the lands in his possession need not be recovered in cash but should be adjusted in the accounts as a cash grant to the Makan for its maintenance during the period. With regard to the cash grant to the Makan equivalent to the full assessment recovered from the other parties, separate orders will be passed after the recovery of the arrears of assessment as directed above.

Proceedings of the Government of His Highness the Maharaja of Mysore.

12. The Deputy Commissioner is requested to take the necessary further action without delay and report to Government the result of such action.

Sd/- Av. Ramanathan
for Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The Muzrai Superintendent in Mysore.
The Deputy Commissioner, Mysore District, returning vernacular records.
The Superintendent of Inam Settlements in Mysore.
The Survey Superintendent in Mysore.

Exd—K. P. S.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 5th January 1909

No. 548-52
Muz. 13-06-4

Passing orders regarding the sale of the Inam lands belonging to the Abdulla Sha Makan at Kirangur in the Seringapatam Taluk.

GPL—25-1-09—200

Proceedings of the Government of His Highness the Maharaja of Mysore,

READ—

The following Government Proceedings No. 10126—P. F. 129, dated 15th December 1892.

Letter from the Deputy Commissioner, Mysore, dated 3rd April 1891, No. 14.

Appellant.	*vs.*	*Respondent.*
B. M. Annaiya of Seringapatam, represented by Mr. Advocate Paramasiva Iyer.		Abdulla Sha, son of Pachamiya, represented by Mr. Advocate Krishnaiengar.

Decision, dated 15th December 1892.

This is an appeal referred by the Acting Deputy Commissioner of Mysore for disposal by Government as the appeal is against his own order passed as Sub-Division Officer.

2. Respondent's father borrowed Rs. 1,500 from Appellant and mortgaged his Inam to him in 1875. In 1879, when the Inam came under the settlement of the Inam Commissioner, Appellant was called upon to give up the land, but he pleaded that the Inam was personal. The original grants shows the Inam to be personal, but the Inam Commissioner treated it as Devadayem, on the ground that the accounts of 1803 and 1831 showed that it belonged to the Makan, and ordered in 1880 that the lands be put in possession of the Respondent's father. The Appellant refused to give over possession unless the money borrowed was repaid with interest, and at last the Sub-Division Officer ordered, on 30th August 1890, that the lands be put in possession of the Respondent. The appeal is against this order.

* Nos. 81 and 86.

	Extent. K	K.	P.
Wet ..	...	3	15 15
Dry ..	...	0	2 10½
		3	18 9½

3. Viewing the decision of the Inam Commissioner in 1879 in regard to the tenure of the Inam as final, since no appeal has been preferred, the order passed by the Sub-Division Officer is correct, but considering the fact that the sannads treat the Inam as personal, and that the Appellant has lent a large sum prior to the Inam Settlement, apparently in good faith that the Inam was personal, the Government consider that it would be hard to deprive him of the possession of the land. They therefore direct that the Inam be resumed and fully assessed and a money grant equal to the assessment made to the Respondent for services at the Makan. If the Respondent, however, is able to redeem the mortgage, he may do so within six months.

2. Government Order No. 476—P. F. 129-92, dated 11th July 1895.

"Petition of appeal No. 97 of 1894-95, presented by Bhatada Malige Annaiya of Seringapatam appealing against the order of the Deputy Commissioner of Mysore, dated 26th April 1894 regarding the mesnee profits of the Kirangur Makkan inam lands mortgaged to the petitioner, which in Government decision dated 15th December 1892, the present Makandar Abdulla Sha was authorized to redeem.

2. Letter No. 1126, dated 15th April 1895 from the Deputy Commissioner, Mysore District, reporting on the above and the records received therewith.

Order.

The Deputy Commissioner's decision is equitable and correct. He has given good reasons for allowing the appellant three years' produce as found by the Amildar. This appeal is rejected."

3. Government Order No. 4355, dated 30th March 1906.

"Petition Registered No. 599, dated 2nd August 1905 from Thimmamma and her two minor sons in the matter of the sale of certain lands belonging to them.

Correspondence ending with Docket No. 79, dated 7th December 1905, from the Superintendent of the Inam Settlements in Mysore.

Order.

The facts of the case are as follows:—

Lands Maji Nos. 81 and 86 measuring 3 kandies 15 kolagas 15 padies of wet and 2 kolagas and 10½ padies dry, bearing an assessment of Rs. 43-5-6 in the Kirangur village now belonging to the French Rocks Sub-Taluk, which were originally granted as personal inam to one Abdulla Sha Peer Jade, were registered during the Inam Settlement in 1879 as Devadaya Inam for Abdulla Sha's Makkan bearing survey numbers noted in the margin. Pachamiah one of the descendants of the original Inamdar having mortgaged the lands to one Malige Anniah for Rs. 1,500 prior to the inam settlement, the late Mr. D. Namkal Rao, Sub-division Officer of French Rocks passed an order in 1890, directing that the lands which were treated as Devadaya Inam, be taken away from the hands of the alienee and delivered over to the Makkandar. On appeal, the Government decided in their

Wet	...	621
		1,027 part
		1,028 part
		1,029
Gar	...	599
Wet	...	637
		638

Total 11 acres 18 guntas assessed at Rs. 84

Proceedings of the Government of His Highness the Maharaja of Mysore,

Proceedings No. 10126—P. F. 129, dated 15th December 1892, that, in consideration of the fact that the sannads treated the Inam as personal and that the appellant Maligc Anniah had lent a large sum prior to the Inam settlement, the Inam be resumed and fully assessed, permitting the Makkandar, however, to redeem the mortgage within six months, if he were able to do so. In pursuance of this decision, the widow of the deceased Makkandar having produced before the Deputy Commissioner a sum of Rs. 1,500 being the mortgage money, the lands were taken away from the mortgagee and given to the possession of herself and her minor son, Abdulla Sha. During the interval, three years' produce became due to the mortgagee Anniah but out of this one year's produce, *viz.*, 25 kandies of paddy for the year khara, had been collected by the widow Murodbi, and utilized by her. The value of this, viz., Rs. 250, together with interest thereon at six per cent per annum from the 1st April 1892, was therefore ordered by the late Deputy Commissioner, Mr. Rangaswami Iyengar to be recovered from the said Murodbi and her minor son and paid to Anniah. The said Anniah since died and his son Javaraya began to press for payment. With a view to recover the said amount the Deputy Amildar of French Rocks C. R. Narayanaswami Mudaliar, advertised for sale some of the lands in question, which had been subsequently sold by Murodbi to one Linganna of Mysore in November 1894 for Rs. 3,000. The present petition by Thimmamma, widow of Linganna is against the proposed sale of the lands under dispute. Her contention is that the lands purchased by her husband were the personal property of the Makkandar and are not therefore liable to attachment and sale in satisfaction of the produce due by the Makkandar to Javarayi.

2. The Government observe that the lands now in the enjoyment of the petitioner Thimmamma became her own property as they had been declared by Government to be the private property of the Makkandar and were purchased by the petitioners' husband in 1894. As such they are not liable to attachment and sale on account of Javaray's claim. The attachment, so far as it relates to Thimmamma's lands, should therfore be withdrawn The amount due by the Makkandar to Javarayi under the decree of the late Deputy Commissioner Mr. Rangasami Iyengar, will have to be recovered by Javarayi from the private property of the Makkandar.

4. Petition No. 2211, dated 24th October 1906 from Javarayi, son of Annaiya praying for a reconsideration of the order of Government (No. 5) read above.

No. , DATED BANGALORE, TH SEPTEMBER 1908.

ORDER THEREON.—The various parties concerned appeared before Government in person and through counsel and were heard on the 11th July and 29th August 1908. The facts of the case are clear from the papers read in the preamble.

2. The amount to the recovery of which the present Proceedings relate is the mesne profits of the land formerly belonging to the Makkan and now in the possession of Thimmamma and her sons—for the year khara 1891-92. The lands had been attached by Government from the possession of Anniah and the produce of the year was taken by the Makandar. In his order passed in 1894, the then Deputy Commissioner of the Mysore District (Mr. A. Rangasami Iyengar) directed the Makkandar to pay Rs. 250, the value of the produce of the land for the year Khara (1891-92) with interest at 6 per cent per annum from 1st April 1892 to Javarayi, son of Annaiya and directed that the amount should be recovered on the security of the lands in question. This order was not complied with and the lands in question were sold by the Makkandar to Linganna husband of Thimmamma on 16th November 1894.

3. On Javarayi's application the lands in Thimmamma's possession were proceeded against in 1905 to recover the amount referred to but the proceedings were stayed under the orders of Government. In their Proceedings of 30th March 1906, Government held that the lands in the possession of Thimmamma were not liable and directed Javaraiya to proceed against the other property of the Makandar. It is this order that is sought to be reviewed.

4. On a full and careful consideration of the case in all its aspects and after hearing all the parties interested, Government come to the conclusion that Javaraiya is equitably entitled to the assistance of Government in recovering the mesne profits of 1891-92 from the Makkandar without being obliged to resort to the Civil Courts.

Muzrai, dated September 1908.

5. In a statement now presented by the minor Makandar and his mother (guardian) it is alleged that a part of the consideration for the sale of the lands to Linganna in 1894, was the discharge of the claim of Javaraiya, but that Linganna failed to satisfy the claim. The original sale deed has not been produced, but even if the allegation is true, it raises a question affecting the contractual relations between Thimmamma (widow of Linganna) and the Makandar and is a matter entirely for the Civil Courts to adjudicate upon.

6. So far as the Government is concerned the fact remains that the obligation subject to which the Deputy Commissioner placed the Makandar in possession of the lands under the Government order of 1892, remains undischarged.

7. The Makandar enjoyed the produce of the lands in 1891-92, and is bound to restore the same to the person properly entitled thereto *viz.*, Anniah (and now his son Javaraiya), and the Government is responsible to see that this is done, as they kept Anniah out of the possession in 1891-92.

8. As the Makandar is too poor to pay off the whole debt at once, Government direct that the debt be discharged by instalments, in the manner hereinafter specified, out of the cash grant due to the Makan under the Government order of 1892.

9. It is understood that of the lands formerly belonging to the Makan which were directed to be fully assessed and treated as private property under the order of 1892, a portion is still in the enjoyment of the Makandar while a portion is in the possession of Thimmamma and her sons under the sale deed of 1894. Government direct that the full assessment on the lands still in the possession of the Makandar be recovered from him and paid as a cash grant to the Makkan for its current maintenance, and that the full assessment on the lands in Thimmamma's possession be recovered and treated as a cash grant to the Makan, but appropriated to the repayment of the debt due to Javaraiya, son of Anniah as directed above. After the debt is discharged this amount will also be paid to the Makan for its maintenance as directed in the Government order of 1892. The produce of the lands for the years Vikruti (1890-91) and Nandana (1892-93) was also due to Javaraiya, son of Anniah under the Deputy Commissioner' s order of 1894. This produce was kept in deposit and was directed to be handed over to Anniah in 1894. It is not clear from the papers now before Government whether this has been done, but if this has not been done and the produce or the value thereof is still in deposit, the Deputy Commissioner is requested to deliver the same to Javaraiya without delay.

10. In connection with this case Government find that the direction in the Government Order of 1892, that the lands then belonging to the Makan should be fully assessed and that a cash grant equivalent to the assessment should be made to the Makkan has not yet been fully carried into effect. It is observed that the lands were fully assessed only in 1906, and that till then no assessment was being recovered thereon either from the Makandar or from Thimmamma or her husband Linganna who were in possession of the lands.

11. Government cannot but express great dissatisfaction and regret that a matter of this kind should have escaped the attention of the local authorities for such a long time and that there should have been so much delay in carrying out the orders of Government. Government however observe that the fact that the full assessment was not entered in the accounts till 1906, and demanded from time to time does not absolve the parties concerned from the liability to pay such assessment on the lands from the date of the Government Order of 1892. They therefore direct that such full assessment be recovered from the several parties concerned and credited to Government, subject however to the proviso that the amount due from the Makandar for the lands in his possession need not be recovered in cash but should be adjusted in the accounts as a cash grant to the Makan for its maintenance during the period. With regard to the cash grant to the Makan equivalent to the full assessment recovered from the other parties separate orders will be passed after the recovery of the arrears of assessment as directed above.

Proceedings of the Government of His Highness the Maharaja of Mysore.

12. The Deputy Commissioner is requested to take the necessary further action without delay and report to Government the result of such action.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The Muzrai Superintendent in Mysore.
The Deputy Commissioner the Mysore District, returning vernacular records.
The Superintendent of Inam Settlements in Mysore.
The Survey Superintendent in Mysore.

Exd—C. V.

Proof for appl.

1908-09

1-10-08

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

(MUZRAI)

PROCEEDINGS

Subd.

May this order be placed at the disposal of the Press?

May this be translated into Canarese?

4/5/09

5/1/09

Dated 4th January 1909 ~~September 1908~~

No. 548-52 Muz 13-06-4

Passing orders regarding the sale of the inam lands belonging to the Abdulla Sha Makkan at Kirangur in the Srirangapatam Taluk.

GPB—24-9-08—550